

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

TERRY L. TELLEZ, and
JENNIFER L. TELLEZ,

Chapter 13
Case No. 17-57756-mar
Hon. Mark A. Randon

Debtors.

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PROPOSED POST-CONFIRMATION PLAN MODIFICATION

Now Come the Debtors, Terry and Jennifer Tellez, by and through counsel, GOLD, LANGE, MAJOROS & SMALARZ, P.C., and state as follows in support of this Proposed Post-Confirmation Plan Modification:

1. A proposed Order Modifying Plan, stating the specific relief requested, is attached herein as "Exhibit A."
2. The above-captioned matter was filed on December 30, 2017.
3. The Debtors' 60-month Chapter 13 Plan of Reorganization was confirmed on July 26, 2018.
4. Pursuant to a term of the confirmed Plan, the Debtors are required to remit 100% of any federal income tax refund to which they are entitled to receive during the pendency of their Chapter 13 Plan.
5. For the tax year ending December 31, 2020, the Debtors are entitled to receive a federal income tax refund in the amount of \$5,015.00. A copy of the 2020 federal income tax refund has been sent to the Chapter 13 Trustee.

6. The Debtors seek to excuse remittance of their 2020 federal income tax refund into the Chapter 13 plan, as the Debtors need to incur the following expenses, over and above their ordinary and necessary living expenses:

- a. \$8,980 for the installation of a fence around the Debtors' yard, due to the Debtors' having dogs.

Proof of this expense has been sent to the Trustee.

7. Accordingly, the Debtors seek to modify Their Chapter 13 Plan Pursuant to L.B.R. 3015-2(b) as follows:

- a. Excuse the Debtors from having to remit their 2020 federal income tax refund, in the amount of \$5,015.00, into the Chapter 13 Plan.

Respectfully Submitted:

GOLD, LANGE, MAJOROS &
SMALARZ, P.C.

By: /s/ Jason P. Smalarz
JASON P. SMALARZ (P71042)
24901 Northwestern Hwy., Ste. 444
Southfield, MI 48075
(248) 350-8220
jsmalarz@glmpc.com

Dated: June 4, 2021

UNITED STATES BANKRUPTCY COURT
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ORDER MODIFYING PLAN

This matter has come before the Court upon the Notice of Proposed Post-Confirmation Plan Modification. The Court finds that the Notice of Proposed Post-Confirmation Plan Modification has been duly served upon all parties in interest and that no response thereto has been timely served upon the Debtor or Trustee. The Court has reviewed this Order and finds good cause to grant the relief requested; and now, therefore:

IT IS HEREBY ORDERED that, for good cause shown, the Debtors are excused from remitting their 2020 federal income tax refund, in the amount of \$5,015.00, into the Chapter 13 Plan;

IT IS FURTHER ORDERED that in all other respects, the plan and order confirming plan, as last modified, shall remain in full force and effect.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Jason P. Smalarz
Attorney for Debtor
24901 Northwestern Hwy., Ste. 444
Southfield, MI 48075

Krispen S. Carroll
Chapter 13 Standing Trustee
719 Griswold, Suite 1100
Detroit, MI 48226

GOLD, LANGE, MAJOROS &
SMALARZ, P.C.

By: /s/ Jason P. Smalarz
JASON P. SMALARZ (P71042)
24901 Northwestern Hwy., Ste. 444
Southfield, MI 48075
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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2021, I electronically filed:

- Proposed Post-Confirmation Plan Modification
- Proposed Order Modifying Plan
- Notice of Deadline to Object to Chapter 13 Plan Modification
- Certificate of Service (Proposed Post-Confirmation Plan Modification)

with the Clerk of the Court using ECF system which will send notification of such filing to the following:

Office of the United States Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Office of the Chapter 13 Trustee
Krispen S. Carroll
719 Griswold, Suite 1100
Detroit, MI 48226

and I also hereby certify that I mailed by First Class Mail with the United States Postal Service copies of the above noted documents to the following non-ECF participants:

All parties listed on the Court's matrix of creditors.

Respectfully submitted,

Dated: June 4, 2021

/s/ Denise M. White
Denise M. White, Paralegal
Gold, Lange, Majoros & Smalarz, P.C.
24901 Northwestern Hwy., Suite 444
Southfield, MI 48075
Phone: (248) 350-8220
dwhite@glmpc.com